

attorney's fees to the employee should the governing body be the one that appeals and the District Court affirms, or to the employee where the governing body appeals and the District Court does not affirm. The second amendment which was agreed to covers the area where we had language whether or not the appointing authority, the hiring authority, had to request a list of eligible applicants from the Civil Service Commission when a position becomes vacant. Again, there was some consideration and the agreement that was reached was to leave in place the language which would allow the appointing authority to decline to fill this vacancy. This accommodates a reduction in force policy based on attrition. We finally get down then to two areas of contention. And I know you have been getting a lot of letters on this bill, or some letters on this bill from some of the Fire Fighters Association dealing with basically two points of contention. Those two points of contention deal with inhouse promotions and whether or not inhouse promotions must be mandated, as they are in the current statute, and a reduction in force policy, whether or not we can have a reduction in force policy that mandates that the last individual hired is the first one to be fired in case of reduction in force. Let me go through both of those in a little bit of detail here with you, particularly in regard to promotions. The current statute, the one that has been on the books since the 1940's provides that when a vacancy occurs that needs to be filled, that it must be filled inhouse if there is an individual eligible, that you cannot look outside of the municipality to fill a vacancy if there is an individual within the fire department or in the police force that has the qualifications to fill that vacancy. The bill as originally introduced by Senator Rupp and by Senator Lundy struck that language, no longer mandating an inhouse promotion. What the amendment that the committee set forward states that when a vacancy occurs that the appointing authority must consider a number of alternatives such as the individual's qualifications, their test scores, other factors, including seniority, so that seniority can be considered as one of the many factors, but that it cannot be the only factor and prior service within the department cannot be the only factor that is considered. Likewise, in the case of a reduction in force, when it becomes apparent that the police department or the fire department of a first class city must reduce its number of police officers or number of fire fighters, how shall it go about doing this? Once again, let me state what the original current statute